

RESPONSE

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Application No.: 09/850,146

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REMARKS

This response is intended as a full and complete response to the final Office Action mailed December 29, 2005. In the Action, the Examiner noted that claims 1-29 were pending and stand rejected.

By this response, claims 1, 3-14, 16-23, and 25-27 are pending. Applicants amend claims 1, 14, 21, and 25 and cancel claims 2, 15, 24, 28 and 29 without prejudice or disclaimer. Claim 1 is amended to incorporate the subject matter of cancelled claim 2; claim 14 is amended to incorporate the subject matter of cancelled claim 15; and claim 21 is amended to incorporate the subject matter of cancelled claim 24.

In view of the following discussion, the Applicant submits that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Therefore, Applicant believes that this application is now in condition for allowance.

It is to be understood that Applicant does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

REJECTIONS**35 U.S.C. §103(a)****Claims 1-29**

The Examiner has rejected claims 1-29 under 35 U.S.C. §103(a) as being unpatentable over Thomas (U.S. Patent 5,666,645 hereinafter "Thomas") in view of Boyer (U.S. Patent 6,268,849 hereinafter "Boyer"). The rejection is respectfully traversed.

Independent claim 1 recites (and independent claims 9, 14, 21, 25, and 29 recite similar relevant elements):

1. An information service distribution system comprising:

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at least a first provider of information to be broadcast to viewers in at least one television distribution system, said provider including programming which periodically generates one or more information files and stores said files in a provider storage medium;

a central server for receiving said information files from said provider storage medium, said central server including a plurality of storage locations for storing said information files;

a provider server for periodically transferring said information files in said provider storage medium to said central server, said provider server including programming for periodically checking whether said provider has transferred any updated files to said provider storage medium and transferring any such updated files to said central server;

a least a first local server for receiving said files from said central server and sending said files to a corresponding cable headend in a television distribution system for broadcast to viewers in said television distribution system as a plurality of static screens of information, each screen including information pertaining to an area of interest; and

programming in said central server for periodically checking whether information files are present in any of said storage locations, and transferring any such files to said local server;

wherein the area of interest is selected from the group consisting of: news, sports, weather, stocks, traffic, local communities, children's programs, entertainment, technology, finance, music, and airline flight status.

According to MPEP §2143, to establish a prima facie case of obviousness under §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The combination of Thomas and Boyer fails to teach or suggest, for example, that the provider server includes programming for periodically checking whether the provider has transferred any updated files to the provider storage medium and transferring any such updated files to the central server, as claimed.

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Thomas is generally directed to a data management and distribution system for an electronic program guide (EPG) for television programs. Thomas differs from the claimed invention, because the automated data collection (ADC) subsystem 10 receives complete sets of data that is duplicative of data already in the main database 90 and the ADC itself, rather than the program schedule information providers (data feed 80), must determine the additions, deletions, and changes made to the data in the main EPG database 90. (See Thomas, Figure 1; col. 6, lines 12-19.) By contrast, in the claimed invention updates are determined by the provider server, not the central server and updates are periodically detected and transferred from the provider server to the central server. Thus, the claimed invention has the advantage over Thomas in that the central server does not receive complete sets of data that are duplicative of data already stored, which is more efficient.

Boyer fails to bridge the substantial gap between Thomas and Applicants' invention. Boyer is generally directed to an internet television program guide system that allows a user at a multimedia system to access television program listings containing embedded real-time data over an Internet communications link. (See Boyer, abstract.) Boyer fails to teach or suggest that the provider server includes programming for periodically checking whether the provider has transferred any updated files to the provider storage medium and transferring any such updated files to the central server, as claimed.

As such, Applicants submit that independent claims 1, 9, 14, 21, and 25 are non-obvious and patentable over Thomas and further in view of Boyer under 35 U.S.C. §103. Furthermore, claims 2-13, 16-20, 22-23, and 26-27 depend from independent claims 9, 14, 21, and 25 and further define or recite additional limitations thereof. As such and at least for the same reasons as discussed above, Applicants submit that these dependent claims are also non-obvious and patentable over Thomas and further in view of Boyer under 35 U.S.C. §103. Therefore, Applicants respectfully request that the rejection be withdrawn.

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CONCLUSION

In view of the foregoing, Applicants believe that this application is in condition for allowance. Reconsideration of this application and its swift passage to Issue are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, It is requested that the Examiner telephone Lea Nicholson or Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

3/28/06

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